

REMARKS

Claims 1-38 are pending; claims 39-43 are withdrawn. In an Office Action dated August 23, 2007, the Examiner rejected Claims 1-8, 11-14, 16, 20-27, 30-32, and 35, and objected to claims 9, 10, 15, 17-19, 28, 29, 33, 34 and 36-38.

CONTINUED APPLICATION UNDER 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 16, 2007 has been entered.

ELECTION/RESTRICTIONS

Claims 39-43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention. The withdrawal is subject to the failure to grant an allowable generic or linking claim. Election was made without traverse in the reply filed on January 30, 2006.

SPECIFICATION

The Office Action stated that the Specification failed to provide proper antecedent basis for the claimed subject matter, citing 37 CFR 1.75(d)(1) and MPEP § 608.01(0). Specifically, the Office Action asserted that the limitation of motivating fluid/force is not provided for in the specification. The Applicant invites the Examiner's attention to the first full paragraph of Page 5 of the Application, at Lines 11 through 24:

"The support member may include a pressure cylinder and the motivating force may include a pressure source . . . [T]he control device may be configured to direct a pressure from the pressure source into the pressure cylinder, thereby causing the shaft to extend from the housing. Extension of the shaft from the housing causes the support member to extend when the user input indicates the support member is to be moved to an extend position. The control device

also may be configured to direct a pressure from the pressure source into the pressure cylinder, thereby causing the shaft to retract into the housing. Retraction of the shaft into the housing causes the support member to contract when the user input indicates the support member is to be moved to a contract position. The control device also may be configured to release pressure from the pressure cylinder allowing the shaft to retract into the housing. Release of the pressure thereby allows the support member to contract when the user input device is motivated to a contract position.”

At page 11, line 28 through page 12 line 2, the application continues: “exemplary embodiments of the invention described here use pneumatic pressure to operate the tool support 100 (FIGURE 1), although hydraulics, electronics, or other types of mechanisms could be used.”

Within the specification, the Applicant asserts that pressure is taught in the application as filed equating pressure and motivating force. To remove the ambiguity within the specification, the Applicant has amended the specification, specifically, the Summary of the Invention, in order to refer to motivating force as the general case to which the taught “best mode” exemplary embodiment exploiting pneumatic pressure is the specific case. No new matter is added, as one skilled in the art would certainly appreciate the relationship that pneumatic pressure has to motivating force and air to motivating fluid.

RESPONSE TO AMENDMENT

The indicated allowability of claims 13 and 32 was withdrawn by the Examiner in view of the newly discovered reference to Maina. It is Applicant's position that the claims, as currently written are allowable even in light of Maina.

CLAIM OBJECTIONS

The Office Action objected to Claim 5 as informal due to a needlessly repeated occurrence of the indefinite article "a" in line 2. Applicant has amended Claim 5 to strike one of the two occurrences rendering Claim 5 formal.

CLAIM REJECTIONS

The Office Action rejected Claims 1-8, 11-14, 16, 20-27, 30-32 and 35. In light of the amendments to the two independent claims, Claims 1 and 20, by engrafting to those claims allowable matter found in former claims 17 and 33 respectively, Applicant respectfully submits that the rejections under 35 USC §§ 102 and 103 are rendered moot.

ALLOWABLE SUBJECT MATTER

The Office Action objected to Claims 9, 10, 15, 17-19, 28, 29, 33, 34, and 36-38 as being dependent upon a rejected base claim, but stated they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. To that end, the Applicant has cancelled both of Claims 17 and 33 and has moved the allowable limitations the claims contain to their respective independent claims, 1 and 20, rendering those claims allowable. Having addressed the other noted informalities, Applicant respectfully suggests that all of the pending claims, now containing the allowable matter, are themselves in a condition for allowance.

CONCLUSION

Applicant respectfully submits that all claims now pending in this patent application are in condition for allowance. Applicant very respectfully requests entry of this amendment and reconsideration and allowance of all claims now pending in this patent application.

If there are any questions regarding this application, or any matters that may be handled by telephone conference, the Examiner is kindly invited to telephone the undersigned attorney.

Respectfully submitted,
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